

APPENDIX C
SEWERS AND SEWAGE DISPOSAL*

ARTICLE I. IN GENERAL

Sec. 18-1.1 Administration.

Sec. 18-1.2 Validity.

Sec. 18-1.3 Definitions.

Sec. 18-1.4 Wastewater Management Commission.

Sec. 18-1.4.1 Same—Purpose; powers and duties; adjustments.

ARTICLE II. USE OF PUBLIC SEWERS WHERE AVAILABLE

Sec. 18-2.1 Unlawful discharges.

Sec. 18-2.2 Use of privy, septic tank, etc.

Sec. 18-2.3 Mandatory connection for buildings, properties.

Sec. 18-2.4 Mandatory connection for car wash, laundry, etc.

ARTICLE III. PRIVATE WASTE DISPOSAL WHERE PUBLIC SEWERS NOT AVAILABLE

Sec. 18-3.1 Private wastewater disposal.

Sec. 18-3.2 Compliance with state regulations.

Sec. 18-3.3 Permit, inspection, notification.

Sec. 18-3.4 Operation and maintenance.

Sec. 18-3.6 Expiration of permit and permit fees.

Sec. 18-3.7 Tank truck requirements and hours of cleaning.

Sec. 18-3.8 Discharge requirements and fees.

ARTICLE IV. BUILDING SEWERS, SEWER EXTENSIONS AND CONNECTIONS

Sec. 18-4.1 Permits.

Sec. 18-4.2 Separate and connecting building sewers.

Sec. 18-4.3 Investigation of existing sewer service connections.

Sec. 18-4.4 Costs.

Sec. 18-4.5 Extension of sewer system.

Sec. 18-4.6 Sanitary sewer standards.

Sec. 18-4.7 Service connection standards.

Sec. 18-4.8 Approval of sewage pumps.

Sec. 18-4.9 Prohibited connections.

Sec. 18-4.10 Requirements for connection.

Sec. 18-4.11 Requirements for excavation.

Sec. 18-4.12 Inspection of connection.

Sec. 18-4.13 Discontinuance of use.

Sec. 18-4.14 Sewer service under unusual conditions.

Sec. 18-4.15 Removal of existing steel septic tanks.

ARTICLE V. RATE AND QUALITY OF WASTEWATER DISCHARGED INTO PUBLIC SEWERS

Sec. 18-5.1. Inadmissible waters.

Sec. 18-5.2. Unpolluted waters.

Sec. 18-5.3. Garbage grinder wastes.

Sec. 18-5.4. Discharge into public sewers/pretreatment requirements.

Sec. 18-5.5 Grease, oil and sand interceptors.

Sec. 18-5.6 New discharges and changes in discharges.

Sec. 18-5.7 Metals discharge limits.

Sec. 18-5.8 Town-industry agreements.

ARTICLE VI. SEWER BETTERMENT ASSESSMENT CHARGES

Sec. 18-6.1. Findings.

Sec. 18-6.2. Sewer betterment assessment and construction costs.

Sec. 18-6.3. Sewer betterment assessment roll.

Sec. 18-6.4. Recording of sewer betterment assessment roll.

Sec. 18-6.5. Collection of and lien for sewer betterment assessment.

Sec. 18-6.6. Notice of sewer betterment assessment.

Sec. 18-6.7. Payment of sewer betterment assessment.

Sec. 18-6.8. Same—Rules of procedure.

Sec. 18-6.9. Judicial appeal.

Sec. 18-6.10. Connections.

ARTICLE VII. SEWER USE CHARGES

Sec. 18-7.1. Findings.

Sec. 18-7.2. Rate schedule.

Sec. 18-7.3. Collection of sewer use charges.

Sec. 18-7.4. Appeals.

ARTICLE VIII. MONITORING, SAMPLING AND ANALYSES

Sec. 18-8.1. Inspection powers.

Sec. 18-8.2. Industrial wastewater monitoring and reporting.

Sec. 18-8.3. Enforcement and penalties.

Sec. 18-8.4. Notice of violators.

Sec. 18-8.5. Interpretation of requirements.

Sec. 18-8.6. Sewer user fees.

APPENDIX A. STANDARD CONSTRUCTION DETAILS

APPENDIX B. RATE STRUCTURE FOR OPERATION AND MAINTENANCE USE CHARGES

APPENDIX C. RATE SCHEDULE FOR SEWER USE CHARGES

APPENDIX D. SEWER CONNECTION APPLICATION; WASTEWATER DISCHARGE PERMIT; INDUSTRIAL WASTEWATER PARAMETERS TO BE MONITORED

ARTICLE I. IN GENERAL

Sec. 18-1.1 Administration.

This chapter shall be administered by the town wastewater management commission.

(Ord. of 2-14-00)

Sec. 18-1.2 Validity.

If any provision of this chapter or the application to any person or circumstance is held invalid, the remainder of this chapter or the application of such provisions to other persons or other circumstances shall not be affected.

Sec. 18-1.3 Definitions.

- 1) *Act* shall mean the Federal Water Pollution Act, PL 92-500, and any amendments thereto; as well as any guidelines limitations and standards promulgated by the Environmental Protection Agency pursuant to the act.
- 2) *Authorized agent* means the town council.
- 3) *BOD (denoting biochemical oxygen demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.
- 4) *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall. The building drain, from a minimum of six inches (15.2 cm) inside the foundation wall, through the foundation wall, and to five feet (1.5 meters) outside the inner face of the building wall shall be a minimum of four inches (10.2 cm) in diameter and shall be in accordance with local and/or state plumbing and building codes.
- 5) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- 6) *Chemical oxygen demand (COD)* shall mean a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test.
- 7) *Chlorine demand* shall mean the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contract period.
- 8) *Church or school* structure means any structure owned by any incorporated nonprofit organization used or designed for use as a school anchor for the conduct of religious services and related purposes such as parsonage, rectory, convent, school or assembly or recreation hall.

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- 9) *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.
- 10) *Commercial structure* means any structure which is used or designed for use as a country club, private or nonprofit meeting hall or club, business office, bank, retail or wholesale store, lumberyard, nursery, proprietary school, professional office, and any other commercial, social or community use (excepting church or school structures).
- 11) *Developer* shall mean a person who develops a plot of land under a subdivision, plat or building permit.
- 12) *Dwelling unit* shall mean one or more rooms designed or intended for living purposes and containing sanitary facilities.
- 13) *Enabling act* means as the same has been or may hereafter be amended from time to time.
- 14) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- 15) *Home site* means a lot or group of adjoining lots owned by the same owner and containing a single residential structure or multiuse structure; or if unimproved, then declared by the owner as intended for use by a single residential or multiuse structure.
- 16) *Industrial structure* means any structure used or designed for use primarily for warehousing, assembling, lubricating, shipping, manufacturing or industrial uses and other related activities.
- 17) *Significant industrial user* shall mean:
- a) A user subject to categorical pretreatment standards; or
 - b) A user that:
 - i) Discharges an average of 25,000 gpd or more of process wastewater to the *Publicly Owned Treatment Works (POTW)* (excluding sanitary, non-contact cooling, and boiler blow-down Wastewater); or
 - ii) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii) Is designated as such by the town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - c) Upon a finding that a user meeting the criteria in subsection 2. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the town may at any time, on its own initiative or in response to a petition received from a user (and in accordance with procedures in 40 CFR 403.8f6) determine that such user should not be considered a significant industrial user.
- 18) *Industrial wastes* shall mean the wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- 19) *Lot* means any lot or parcel of land defined by metes, bounds or boundary lines in a

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recorded deed or shown on a recorded plan or plat.

20) *May* is permissive.

21) *Multifamily residence structure* means any structure used or designed for more than one residential unit.

22) *Multiuse Structure shall mean a structure, which combines residential, commercial and/or industrial activities, shall be deemed a multiuse structure.*

23) *Municipal structure* means any structure owned *or used* by the Town of Tiverton.

24) *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

25) *Person* shall mean any individual, firm, company, association, society, corporation or group.

26) *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

27) *Project* means the construction, completion, extension, enlargement and improvement of the town sewer system.

28) *Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 cm) in any direction,

29) *Public sewer* shall mean:

A sewer or sewer line that has been formally accepted as a public sewer by an official vote of the *Authorized Agent*.

30) *Replacement* shall mean expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

31) *Residence structure* means any structure used or designed for occupancy as a single-family residence.

32) *Residential unit* means, with respect to any multifamily residence structure, an identifiable area used or designed for use as a separate living facility for one or more persons and having its own facilities for sanitary sewage (dwelling unit).

33) *Sanitary sewer* shall mean a sewer, which carries sewage, and to which storm, surface and groundwater are not intentionally admitted.

34) *Sewage*: See Wastewater

35) *Sewer* means any main, pipe, lateral or other conduit in a street, highway, alley, right-of-way or easement, installed at a location and in accordance with specifications approved in advance by the town, to which sanitary sewage is directed by individual sewer service lines from structures having facilities for sanitary sewage.

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<#>All sewers and sewer lines other than a sewer or sewer line accepted as set forth according to the terms of subsection (29)(b) hereinabove, shall be deemed private sewers for which neither the sewer authority nor the town shall have any obligation, including, without limiting the generality of the foregoing, the obligation to require payment for sewer user fees or charges, from those parties situated within the town who are now connected to the sewer system and whose connection to, and use of the City of Fall River sewer system, predates the enactment of this chapter. .

<#>All sewers and sewer connections made to the sewer system of the City of Fall River, subsequent to the enactment of this chapter, shall be so made, pursuant to an application made to the City of Fall River on a form and in a manner prescribed by it, and to the Tiverton sewer authority, on a form and in a manner, promulgated by the latter, pursuant to rules and regulations duly adopted, which shall require such users to pay an application fee to the sewer authority and, also, require such users to pay the estimated user fees anticipated that will be due to the City of Fall River, annually. .

<#>When a sewer or sewer line is proposed for construction and installation in a street or way that is appropriate for the purpose, notice shall be sent, in writing, postage prepaid, to all property owners abutting such street or way, if any there are or may be, advising them of the proposed construction, and their respective rights to connect to the sewer or sewer line. .

<#>When a sewer or sewer line is constructed and installed as set forth in subsection (29)(e) hereinabove, and the same is accepted as a public sewer by the sewer authority as set forth herein, all property owners abutting such street or way, shall within one year of such acceptance of the public sewer, connect thereto at their sole cost and expense.

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- 36) *Sewer assessment area* means any area in the town with respect to which the town council has determined that the structures or home sites located therein abut a street, highway, alley, right-of-way or easement in which any operating portion of the project may be located or are otherwise specifically benefited by any operating portion of the project.
- 37) *Sewer assessment structure* means any residence structure, multifamily residence structure, commercial structure, industrial structure, school or church structure and municipal structure, located on a home site, the construction of which was completed, or undertaken pursuant to a building permit issued, prior to the date such home site was designated a home site and the use or designed use of which generates or may result in the generation of sanitary sewage.
- 38) *Sewer assessment review board* means the Wastewater Management Commission that will review appeals under this chapter.
- 39) *Sewer service connection (see building sewer)*
- 40) *Sewer service cost* means the cost of maintaining, repairing and operating the sewer system (including reserves for such purposes and for renewals and replacements), the principal and interest on all sewer bonds and notes of the town when due, and any other expenses not otherwise provided for, which may arise under the enabling act, to the extent that moneys for the foregoing purposes are not otherwise provided.
- 41) *Sewer System Extension* means the construction of a public or private sewer line* designed to receive sewerage from one or more building sewer connections excluding building sewers and building drains.
- 42) *Sewer use charges* means charges to cover sewer service costs.
- 43) *Shall* is mandatory.
- 44) *Slug* shall mean any discharge of water, sewage or industrial waste which concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 5 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the wastewater facility.
- 45) *Square feet* shall be determined, with respect to any sewer assessment structure, by measuring all internal areas of each floor (including basement where such basements are being utilized, or were designed or constructed in a fashion so that they may be used, for any lawful purpose to which such sewer assessment structure may be put, but excluding unused attics).
- 46) *Storm drain (sometimes termed "storm Sewer")* shall mean a sewer which carries storm waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 47) *Superintendent* shall mean the Wastewater Collection Superintendent of the wastewater collection and treatment system of the town, or his authorized deputy, agent or representative
- 48) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension

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in water, sewage, or other liquids, and which are removable by laboratory filtering.

49) *TK/N* is total Kjeldahl nitrogen.

50) *Town* means the Town of Tiverton

51) *Town Council* means the Town Council of the Town of Tiverton.

52) *Unpolluted water* is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

53) *User charge* shall mean a charge levied on users of a treatment works for the cost of operation and maintenance of such works.

54) *Wastewater or sewage* shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions (together with any groundwater surface water and storm water that may be present).

55) *Wastewater facilities* shall mean the structure, equipment and process required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

56) *Wastewater treatment works* shall mean an arrangement of devices, systems, and structures including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and the extensions, improvement, remodeling, additions and alterations thereof for treating wastewater, industrial wastes and sludge.

57) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

58) *WPCF* shall mean the Water Pollution Control Federation (Ord. of 2-14-00)

Sec. 18-1.4 Wastewater Management Commission.

There shall be a Wastewater Management Commission whose members shall be appointed by the town council pursuant to section 1010 of the Town Charter and section (2-71 to 2-80) 18-1.4.1 of this Code. The Wastewater Management Commission shall elect one of their number as chairman and one as secretary.

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Sec. 18-1.4.1 Same—Purpose; powers and duties; adjustments.

- (a) *Purpose.* The Wastewater Management Commission shall administer that portion of the town code entitled "Sewers and Sewage Disposal." They shall advise and recommend to the Town Council on the design and implementation of a sewage system for the town and for the consideration of those programs relating to wastewater management, and any other duties provided for by the code of the town or the General

Laws. They shall also hear appeals concerning the amounts of sewer assessments and other matters concerning wastewater and make advisory recommendations to the Town Council with regard thereto.

(b) Powers and duties. Wastewater Management Commission

The Wastewater Management Commission shall oversee the operation of the town's wastewater collections system as the Superintendent manages it. Upon the recommendation of the Superintendent, they shall approve or reject all applications for sewer extensions, and shall then recommend to the Town Council acceptance of only those sewer extensions that meet the requirements set forth herein. They shall advise the Wastewater Superintendent on all issues related to wastewater management. Wastewater Management Commission shall hear appeals from landowners of record concerning the amounts of sewer assessments provided such appeals are properly filed in accordance with rules and regulations as promulgated by the board from time to time, and within 30 days of the mailing or publication of notice of such assessment to the landowner of record. The board shall also hear and decide appeals and such other appeals as are referred to it by the town council; provided, however, that the town council has conferred upon the board jurisdiction to hear such additional appeals. The board may hold hearings, administer oaths, receive testimony and exhibits and prescribe rules and regulations necessary to perform its function. The board may request the town solicitor to provide advisory opinions respecting such appeals and otherwise advise the board.

Notes:

- 1. (Notwithstanding any other duties and responsibilities of the Wastewater Management Commission, no part of the sewage system for the Town shall be constructed or extended without the approval of the Town Council, after consultation with the Planning Board).*
- 2. (see definitions for clarification of sewer system extension)*

(c) Adjustments. In the event the board determines that an assessment is partially or wholly invalid, the board may make such adjustments as are necessary to replace the invalid assessment or portion thereof. The board shall notify the tax collector, the town clerk and the landowner of record of such adjusted assessment within five days of such adjustment. The adjusted assessment shall bear interest from the date that notice of such assessment was delivered to the town clerk.

(Ord. of 2-14-00)

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ARTICLE II. USE OF PUBLIC SEWERS WHERE AVAILABLE

Sec. 18-2.1 Unlawful discharges.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or objectionable waste. It shall be unlawful to discharge to any natural *or manmade* outlet within the town any wastewater or other polluted waters, except where in accordance with subsequent provisions of this chapter.

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Sec. 18-2.2 Use of privy, septic tank, etc.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater, except as hereinafter provided.

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Sec. 18-2.3 Mandatory connection for buildings, properties.

The *superintendent* is authorized to order the owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street or right-of-way in which there is now located a public sanitary sewer of the town, to install at owner's expense suitable toilet facilities therein, and to connect such facilities directly with the public sewer. Such connections shall be made in accordance with the requirements of the *superintendent* in accordance with article IV of this chapter within one year after official notice to do so, provided that said public sewer is abutting the property line.

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Notwithstanding anything to the contrary herein, the Wastewater Management Commission, after a hearing on the matter and upon the recommendation of the *superintendent*, is empowered to waive this requirement for mandatory sewer connections if, for engineering or elevation considerations, or, in the event of extreme hardship, it is impractical to connect to the public sewer and such waiver does not otherwise harm the public health and safety.

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Sec. 18-2.4 Mandatory connection for car wash, laundry, etc.

No person shall operate the business of a car wash, public laundry, automatic laundry or laundromat on any lot in the town unless such lot is served by a public sewer system or by a system which reclaims for reuse on the premises at least 80 percent of the water discharged from the washing facilities. This section shall not apply to any business, which shall have been in operation prior to adoption of this chapter and shall not apply to any gasoline station with a car wash stand to accommodate the washing of no more than one car at a time.

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ARTICLE III. PRIVATE WASTE DISPOSAL WHERE PUBLIC SEWERS NOT AVAILABLE

Sec. 18-3.1 Private wastewater disposal.

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to private wastewater disposal system complying with the provisions of this article.

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Sec. 18-3.2 Compliance with state regulations.

The type, capacities location and layout of a private wastewater disposal system shall comply with the Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems and amendments thereto, as adopted by the state Department Of Environmental Management, under the authority of Title 23, Chapter 19.5, Section 1 et seq. of the General Laws of 1956. A copy of approved ISDS application shall be provided to the *superintendent*.

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Sec. 18-3.3 Permit, inspection, notification.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the state Department Of Environmental Management.

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Sec. 18-3.4 Operation and maintenance.

- a) The owner shall at all times operate and maintain all the private wastewater disposal facilities on his/her private property in a sanitary condition as is satisfactory to the *superintendent* at no expense to the town. No person shall deposit, nor allow to be deposited in the disposal facilities, swill rubbish or solid refuse matter other than feral matter.
- b) Every *property* owner and/or resident of the town shall be entitled to seepage dumping of residential private sewage disposal system *at a City of Fall River approved facility*.

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Sec. 18-3.5 License for removal of sludge (Reserved).

Editor's note—b 18-3.5 has been reserved for future supplementation.

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Sec. 18-3.6 Expiration of permit and permit fees.

Any permit to remove the contents of privy vaults, cesspools and septic tanks shall expire on the last day of the month of March following the date of issuance thereof, and may be revoked for good cause by the *Town Council*. The *Town Council* shall issue a permit to an individual upon *the recommendation of the superintendent*. Proof of a valid state permit and valid City of Fall River discharge permit *must be filed with the Superintendent annually*.

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Sec. 18-3.7 Tank truck requirements and hours of cleaning.

All tank trucks shall be kept airtight and free from leakage. All apparatus used in the business shall be kept clean and well painted, and must have the name of the permittee upon it in plain letters, and be approved by the *superintendent*. No tank trucks shall be allowed to stand in any

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street except while in use.

Sec. 18-3.8 Discharge requirements and fees.

The contents of any permitted tank truck may be discharged into the wastewater treatment works of Fall River subject to available capacity provided that the contents include only wastes removed from the privies, cesspools or septic tanks located within the town and subject to the following rules and regulations:

- a) All permits shall be for the calendar year in which issued and shall expire on the last day of the month of March following the date of the issuance thereof. However, the *superintendent* may at any time suspend or revoke any such permit because of the violation by the holder thereof of the rules and regulations herein prescribed, or for other just cause of complaint.
- b) No industrial wastes of any kind will be discharged at any point within the wastewater treatment works.
- c) Samplings of wastes may or may not be required, before dumping, at the direction of Fall River.
- d) Wastes shall be discharged into the wastewater treatment works only at the septage receiving unit or other location as directed, by the superintendent of the Fall River facility.
- e) Such contents shall not contain any articles or substances, which may trend to injure any part of the wastewater treatment works.

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ARTICLE IV BUILDING SEWERS, *SEWER EXTENSIONS* AND CONNECTIONS

Sec. 18-4.1 Permits.

No connection of private property or proper sewer system shall be made until the owner of the land, or his duly authorized agent, has made application in writing to the *superintendent* for permission to make the same, and has been granted such permission.

- (a) There shall be two (2) classes of building sewer permits: (1) for residential service and (2) for service to establishments producing commercial and/or, industrial wastes. In either case, the owner shall apply using the form furnished by the town, shown in Appendix D. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the *superintendent*. A permit and inspection fee shall be paid according to the current fee schedules maintained by the *superintendent*'s office and established by the town council.
- (b) Upon approval of the application by the *superintendent*, the *superintendent* shall issue a permit for such installation to a duly licensed plumber or drain layer who has a state ISDS license *In addition, said plumber or drain layer shall be a registered drain layer with the town.*

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Sec. 18-4.2 Separate and connecting building sewers.

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. The rights appurtenant to such single connection or extension from a front building to a rear building shall be recorded with each of the respective deeds. *No sewer service connection shall serve more than one building except by permission of the superintendent.*

The superintendent may require manhole access or additional cleanouts or sewer flow metering. Location to be determined by superintendent.

Sec. 18-4.3 Investigation of existing sewer service connections.

An investigation of private sewers or drains and sewer service connections within the street limits laid previous to the adoption of this chapter may be made at the discretion of the superintendent to determine if such private sewers and sewer connections are properly located, laid at suitable gradient, in good condition, with proper and suitable appurtenances and in every way satisfactory to the superintendent.

Sec. 18-4.4 Costs.

All costs and expense incident to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 18-4.5 Extension of sewer system.

There shall be three (3) instances where the extension of the sewer system shall be allowed.

1. *A town planned and executed sewer extension.*
2. *An extension of the town planned sewer system within an already developed area, which is executed by a homeowner or a group or association of homeowners.*
3. *An extension of the public sewer system into a previously undeveloped parcel by a developer.*

Any person developing a plat of land in the town shall at his own expense install sewer lines and service stubs or wyes in such plat and shall connect the same with the existing sewer system according to town-approved plans where the existing or the preplanned sewer system is within 200 feet of the development. Where the existing sewer system or the preplanned sewer system is beyond 200 feet or where no town-approved plans are available, each lot shall be designed insofar as feasible to permit the location of an individual sewage disposal system between the building site and the street.

Connection to the public sewer system shall be in compliance with the terms and conditions set

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forth in the following paragraphs:

- (a) The entire cost of the installation of all sewer pipes to serve any such plat or any part thereof, shall be paid by the developer, *homeowner, group or association of homeowners*. The “entire cost” shall include the cost of full engineering *and inspection* services, both preliminary to and during the actual installation of such sewer pipes, and the costs of all materials, services, labor and supplies for constructing and laying out sewers and connecting the same with the Tiverton sewer system.
- (b) The developer, *homeowner or group or association of homeowners shall obtain approval of a proposed sewer extension from the Town Council who will seek advisory opinions from the Planning Board and the Wastewater Management Commission. Before* proceeding with the installation of sewer lines in any such plat or any part thereof, *the developer, homeowner or group or association of homeowners* shall submit *detailed* plans and specifications to the *superintendent* relative to the proposed construction in accordance with the standard construction details in Appendix A of this chapter. *Upon approval by superintendent of* such plans and specifications, the developer, *homeowner or group or association of homeowners* shall submit the name of a qualified sewer contractor to do the work, together with a breakdown of items, quantities and unit prices for the project. After investigating the qualifications of the proposed contractor and reviewing the breakdown submitted, the *superintendent* shall make the final determination whether to allow the contractor to proceed or to request that another contractor be submitted for approval.
- (c) *The construction and laying out of all sewer lines pursuant to this section shall be subject to the inspection of the superintendent. If at any time the superintendent shall determine that the construction and laying out of such sewer lines is not being performed in accordance with the plans and specifications as approved, he shall forthwith notify the developer to this effect in writing, who shall then order the suspension of all further work by and of payments to the contractor until such corrections are made as will produce complete compliance with the plans and specifications.*
- (d) *Acceptance of a sewer or sewer line shall not be voted upon or entertained by the Authorized Agent until the same has been constructed and installed, according to a permit to construct and install the same, with respect to which appropriate inspections shall have been made according to the rules and regulations of the Wastewater Management Commission, and until such time as formal acceptance has been made, such sewer or sewer line shall remain a private sewer line, and not a public sewer or sewer line, for which neither the Wastewater Management Commission nor the town shall have any obligation to improve or maintain.*
- (e) *All sewers and sewer lines other than a sewer or sewer line accepted as set forth according to the terms of subsection 18-4.5 (b) hereinabove, shall be deemed private sewers for which neither the Wastewater Management Commission nor the town shall have any obligation, including, without limiting the generality of the foregoing, the obligation to require payment for sewer user fees or charges, from those parties*

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situated within the town who are now connected to the sewer system and whose connection to, and use of the City of Fall River sewer system, predates the enactment of this chapter.

- (f) *All sewers and sewer connections made directly to the sewer system of the City of Fall River, subsequent to the enactment of this chapter, shall be so made, pursuant to an application made to the City of Fall River on a form and in a manner prescribed by it, and to the Tiverton Wastewater Management Commission, on a form and in a manner, promulgated by the latter, pursuant to rules and regulations duly adopted, which shall require such users to pay all application fees applicable to Tiverton sewer connections. All such users shall pay the sewer user fees as assessed by the town of Tiverton.*
- (g) *When a sewer or sewer line is proposed for construction and installation in a street or way that is appropriate for the purpose, notice shall be sent, in writing, postage prepaid, to all property owners abutting such street or way, if any there are or may be, advising them of the proposed construction, and their respective rights and potential obligations to connect to the sewer or sewer line.*
- (h) *When a sewer or sewer line is constructed and installed as set forth in subsection 18-4.5 (b) hereinabove, and the same is accepted as a public sewer by the Authorized Agent as set forth herein, all property owners abutting such street or way, shall within one year of such acceptance of the public sewer, connect thereto at their sole cost and expense.*
- (i) *All sewer lines constructed pursuant to the provisions of the preceding section shall become the property of the town. After such sewer lines have been connected with the public sewer, all the normal costs of operating and maintaining them shall be borne by the town. However, the town may back charge the contractor for any abnormal conditions for a period of 12 months after acceptance, or until the abnormal condition is corrected.*
- (j) *The developer of a new sewer line shall obtain easements granting the town rights and privileges to operate and maintain the sewer within the limits of all private property that the new sewer line traverses.*

Sec. 18-4.6 Sanitary Sewer Standards.

The following design standards for sanitary sewers are considered acceptable:

- a) *As a general rule, all sanitary sewers shall be designed as gravity sewers flowing to either the Mount Hope Bay Interceptor or to a pumping station owned and operated by the Town of Tiverton.*
- b) *Where it is not feasible to install gravity sewers because of terrain considerations or because of the small size of a proposed service area, which is not accessible to the Town owned gravity sewer system, a low-pressure sewer system may be considered. Upon recommendation of the Superintendent, to the Wastewater Management*

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Commission that a proposal for a low pressure sewer system is warranted, the Wastewater Management Commission may recommend said low pressure sewer system to the Town Council for approval.

- c) *At the juncture between a sewer and one of larger diameter, the inverts of the sewers shall be designed so that the peak flow lines match.*
- d) *Velocities greater than 12 feet per second (3.7 mps) or less than two feet per second (0.61 mps) when flowing will be unacceptable.*
- e) *Installing a smaller sewer downstream from a larger sewer in general will be considered unacceptable.*
- f) *Sewers of a diameter from eight inches (20.3 cm) through 21 inches (53.3 cm) shall be designed so that they are flowing at a depth no greater than six-tenths (0.6) times the diameter of the sewer at peak flow rates.*
- g) *Sewers of a diameter larger than 21 inches (53.3 cm) shall be designed so that they are flowing at a depth no greater than 0.7 times the diameter of the sewer at peak flow rates.*
- h) *Sewers shall be designed using a Manning's 'n' consistent with the pipe manufacturers recommended constant.*
- i) *No public gravity sewer shall be less than eight inches (20.3 cm) diameter.*
- j) *No public pressure sewer shall be less than one and one half inches 1^{1/2} inches (3.8 cm) in diameter.*
- k) *Manholes for gravity systems shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet (121.4 m) or as approved by the superintendent.*
- l) *Manholes for gravity systems shall be constructed of precast reinforced concrete, American Society for Testing and Materials Designation C478, latest edition; concrete masonry units, ASTM designation C139, latest edition; or as approved by the superintendent.*
- m) *PVC gravity (non-pressure) sewer pipe 4-inches through 15-inches diameter shall conform to ASTM D3034. PVC gravity sewer pipe 18-inches through 27-inches shall conform to ASTM F679. All pipe shall conform to an SDR of 35, or as approved by the superintendent.*
- n) *Pressure sewer pipe from 1-1/4-inches through 3-inches shall be SDR 21 PVC, SCH 40 PVC or SDR 11 HDPE pipe and shall be manufactured per the appropriate ASTM designation, or as approved by the superintendent. All pressure sewer pipe from 4-inch through 12-inch shall be manufactured to conform to AWWA C-900, or as approved by the superintendent.*
- o) *Low pressure sewer systems shall be equipped with cleanouts at the terminal end of mains, spaced every 750 linear feet on straight runs, wherever two or more mains come together and feed into another main, or as specified by the Superintendent.*

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- p) *Low pressure sewer systems shall be equipped with air relief and/or vacuum relief valves at all high points or every 2,000 feet and at all significant changes in grade.*
- q) *All sanitary sewers and appurtenances shall be designed and constructed in accordance with WPCF Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," latest revision.*

Sec. 18-4.7 Service Connection Standards.

Sewer service connection from the public sewer to the street line shall be laid at such depth and gradient and in such location as the *superintendent* may determine. No sewer service connection shall serve more than one building, except by permission of the *superintendent*. All pipes shall have compression joints. The following design standards for building sewers, illustrated in Appendix A, are considered acceptable:

- a) *Gravity pipes from the public sewer to the property line shall be six inches (15.2 cm) in diameter, but larger sizes may be required by the superintendent. Gravity building sewer pipes from the property line to the building drain shall be a minimum of four inches (10.2 cm) in diameter, but larger sizes may be required by the superintendent. All such pipes shall conform to section 18-4.6. Gravity building sewer pipes shall be laid with a minimum gradient of at least one-quarter inch per foot (2.1 cm/in). Such pipes shall be laid accurately to straight lines and gradients, except that junctions with public sewers shall be made at an angle, by installing a wye or tee as shown in the service connection detail (Ref. No. 6B in Appendix A of this chapter), such that flow from the building sewer shall not be opposite in direction to the flow in the public sewer. Where depth of the public sewer is such that a chimney is required (see sewer chimney detail, Ref. No. 6B in Appendix A for depth requirement and details) said chimney shall be installed per Appendix A. Special means for flushing and cleaning (cleanouts) in accordance with the particular requirements of the superintendent shall be provided in the building sewer at 75-foot increments, at all significant changes in direction and at the property line as otherwise required by the superintendent. The connection of the building sewer into the public sewer shall be made at the wye or tee branch if such branch is available at a suitable location. If no branch is available, a connection must be made by tapping the existing sewer by an approved method, then inserting an approved wye or tee saddle, all encased in concrete. Approval of the tapping method and saddle shall be made by the superintendent.*
- b) *Pressure building sewer pipes from the public sewer to the property line shall be a minimum of 1 1/4 - inches (3.2 cm) in diameter, but larger sizes may be required by the Superintendent. Pressure building sewer pipes from the property line to the grinder pump shall be a minimum of 1 1/4 - inches (3.2 cm) in diameter, but larger sizes may be required by the Superintendent. such pipes shall be laid straight and true to the greatest degree practicable. Special means for flushing and cleaning (cleanouts) shall be provided at 200 foot increments and at all significant changes in direction. A cleanout and a suitable shutoff valve with curb box installed to grade shall be provided at the property line.*

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- c) No service pipes for other utilities, such as water, gas and the like, whether town-owned or privately owned, shall be laid in the same trench with a building sewer, except by written approval of the superintendent.

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Sec. 18-4.8 Approval of sewage pumps.

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Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means of a sewage pump, and discharged to the building sewer, upon approval of the superintendent. However, the town shall have no responsibility for the operation and maintenance of said equipment.

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Sec. 18-4.9 Prohibited connections.

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No person shall make or keep a connection of roof downspouts; exterior foundation drains areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sewer.

Sec. 18-4.10 Requirements for connection.

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The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town and/or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, latest edition. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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Sec. 18-4.11 Requirements for excavation.

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All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Department of Public Works in accordance with the street opening permits and regulations.

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Sec. 18-4.12 Inspection of connection.

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The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent. At no time shall the excavation be backfilled before the superintendent or his designee has approved the connection.

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Sec. 18-4.13 Discontinuance of use.

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Whenever any user under this article shall cease operation, notice shall be given to the superintendent and the waste lines employed by such user shall be sealed under the supervision

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of the *superintendent*.

Sec. 18-4.14 Sewer service under unusual conditions.

- a) Where an abutting town has installed sewer lines to serve their residents and possibly Tiverton residents, and where said sewer flows into the Tiverton system, said residents served shall pay the annual sewer assessment fee to help defray the operation and maintenance cost of the wastewater facilities.
- b) Where industries are located either in Tiverton or in an abutting town and where industries are to be served by reciprocal agreements, then under these cases agreements must be drawn and approved by the *Tiverton* town council and the City of Fall River Sewer Commission.

Sec. 18-4.15 Removal/fill of existing septic tanks.

Whenever a steel septic tank is disconnected and/or abandoned, the steel tank shall be *pumped*, removed and properly disposed of. The remaining hole shall then be filled in with suitable material.

Whenever an existing concrete septic tank or cesspool is disconnected and or abandoned, the concrete tank or cesspool pit shall be pumped, abandoned in place or removed and properly disposed of. The remaining hole shall be filled in with suitable material.

ARTICLE V. RATE AND QUALITY OF WASTEWATER DISCHARGED INTO PUBLIC SEWERS

Sec. 18-5.1. Inadmissible waters.

Stormwater, groundwater, roof drainage, street drainage, yard drainage or subsurface drainage shall not be discharged through direct or indirect connections to the public sanitary sewer of the town.

Sec. 18-5.2. Unpolluted waters.

Unpolluted water, including but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet upon receiving approval from applicable local, state and federal agencies as required.

Sec. 18-5.3. Garbage grinder wastes.

Garbage grinders must shred waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

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(a) . Where the user has obtained a permit for the specific use from the director, and agrees to undertake whatever self-monitoring is required to enable the town to determine equitably the charges and fees based on the waste constituents and characteristics. "

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Sec. 18-5.4. Discharge into public sewers/pretreatment requirements.

- 1) *Purpose and policy.* This section sets forth uniform requirements for users of the ~~Town of Tiverton wastewater collection system which discharges into the Fall River POTW,~~ which enables the town *and the city* to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403) and also enables the town *and the city* to comply with ~~the city's~~ NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter and guidance documents referenced in this chapter, shall have the meanings hereinafter designated.

- a) *Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- b) *Approval authority.* The EPA Regional Administrator is the approval authority as cited in 40 CFR 403.3(c).
- c) *Authorized representative of the user.*
 1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
 3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
 4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.
- d) *Biochemical oxygen demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days; at 200 centigrade, usually expressed as a concentration (milligrams per liter

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- e) *Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.
- f) *Town.* The Town of Tiverton and its duly authorized representatives.
- g) *COD (denoting chemical oxygen demand).* The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures in accordance with the latest edition of Standard Methods For the Examination of Water and Wastewater as published jointly by the *American Public Health Association*, *American Water Works Association* and the *Water Pollution Control Federation*.
- h) *Color.* The optical density at the visual wave length of maximum absorption, relative to distilled water. 100 percent transmittance is equivalent to zero optical density.
- i) *Composite Sample.* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- j) *Daily average limit.* The highest allowable concentration for any pollutant in a waste stream discharged during any one day by a user based upon a composite sample, or in the case of a batch discharge, based upon a grab sample.
- k) *The enforcing authority.* The town or any agent judiciously appointed by the town.
- l) *Environmental Protection Agency (EPA).* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- m) *Existing source.* Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- n) *Grab sample:* A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- o) *Indirect discharge or discharge:* The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.
- p) *Industrial waste or wastewater.* Any liquid, gaseous, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.
- q) *Interference.* A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or

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permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; (and the Marine Protection, Research, and Sanctuaries Act).

- r) *Medical waste*, Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- s) *New source*.
 1. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 1b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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- b.* Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.
- t) *Non-contact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is useable for other processing purposes.
- u) *Pass through.* A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge of discharges from other sources, is a cause of a violation of any requirement of the *City of Fall River's* NPDES permit (including an increase in the magnitude or duration of a violation).
- v) *Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.
- w) *pH.* A measure of the acidity or alkalinity of a substance, expressed in standard units.
- x) *Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).
- y) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).
- z) *Pretreatment program.* A program to control industrial and commercial wastewater discharges that meets the federal requirements denoted as 40 CFR 403 which has been approved by the Environmental Protection Agency.
- aa) *Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- bb) *Pretreatment standards or standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- cc) *Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in subsection (3) of this section.

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- dd) *Publicly owned treatment works (POTW)*. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Town *or City of Fall River*. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the town sewage works.
- ee) *Septic tank waste or septage*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- ff) *Sewage*. Human excrement and gray water (household showers, household dishwashing operations, etc.)
- gg) *Significant industrial user*.
1. A user subject to categorical pretreatment standards; or
 2. A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); or
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the town on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
 3. Upon a finding that a user meeting the criteria in subsection 2 above has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the town may at any time, on its own initiative or in response to a petition received from a user (and in accordance with procedures in 40 CFR 403.8(ID (6)) determine that such user should not be considered a significant industrial user.
- hh) *Slug load*. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in subsection (3) of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- ii) *Standard Industrial Classification (SIC) Code*. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- jj) *Storm water*. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- kk) *Suspended solids*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by

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laboratory filtering.

- ll) *Toxic pollutant*. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.
- mm) *Treatment plant effluent*. The discharge from the POTW into waters of the United States.
- nn) *User or industrial user*. A source of indirect discharge. An industrial discharger to the POTW.
- oo) *Wastewater*. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- pp) *Waste water treatment plant or treatment plant*. That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.
- qq) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

2) *Abbreviations*.

- a) The following abbreviations shall have the designated meanings:

BOD-	Biochemical oxygen demand
CFR-	Code of Federal Regulations
COD-	Chemical oxygen demand
EPA-	U.S. Environmental Protection Agency
gpd -	gallons per day
l-	Liter
mg -	Milligrams
mg/l-	Milligrams per liter
NPDES-	National pollutant discharge elimination system
O&M-	Operation and maintenance
POTW-	Publicly owned treatment works
RCRA-	Resource Conservation and Recovery Act
SIC -	Standard industrial classifications
SWDA-	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS -	Total suspended solids
USC-	United States Code

3) *Prohibited discharge standards*.

- a) *General prohibitions*. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140~ F (60~ C) using the test methods specified in 40 CFR 261.21;
2. pH
 - a. Wastewater having a pH less than 5.5 or otherwise causing corrosive structural damage to the POTW or equipment.
 - b. If a continuous pH chart recorder is being used, any occurrence of pH over 10.5 but under 11.0 for a period of 30 minutes or more per day is prohibited. Any pH occurrence over 11.0 is prohibited. If a continuous pH chart recorder is not being used, any occurrence of pH over 10.5 is prohibited. At no time shall any discharge cause the pH of the influent at the POTW head works to go above 10.5.
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference ~but in no case solids greater than one-half inch or 0.39 centimeter (0.39 cm) in any dimension);
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature greater than 130.0 F (54.50 C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104.0 F (40.0 C);
6. Petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or any other oil, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the town,
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the commissioner in compliance with applicable state or federal regulations;
11. Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;

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12. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
13. Medical wastes, except as specifically authorized by the enforcing authority in a wastewater discharge permit;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
16. Septage or septage byproducts from haulers or other dischargers except as specifically approved by the enforcing authority

Pollutants substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

- c) *Federal categorical pretreatment standards.* The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471 are hereby incorporated and applicable for those industries defined as categorical industries within the town.
- d) *State requirements.* State pretreatment standards located at 314 CMR 7.00, 12.00, and 12.08 are hereby incorporated and are applicable to all users of the Tiverton sewer system.
- e) *Local limits.* The following pollutant limits are established to protect against pass through and interference. No person shall discharge into the POTW any waters or wastes containing concentrations of the following materials in excess of the following daily average limits:

0.30	mg/l	cadmium
2.24	mg/l	chromium (<i>total</i>)
0.54	mg/l	<i>copper</i>
2.0	mg/l	cyanide
4.0	mg/l	lead
0.01	mg/l	<i>mercury</i>
1.43	mg/l	nickel
0.1	mg/l	silver
2.2	mg/l	zinc
350	mg/l	total suspended solids
100	mg/l	<i>oil and grease (animal or vegetable origin)</i>
130°	Fahrenheit	<i>Temperature</i>
5.5 SU to 11.5 SU	pH	

All concentrations for metallic substances are for 'total' metal unless indicated
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otherwise. The town may impose mass limitations in addition to (or in place of) the concentration-based limitations above.

f) Special agreement. The town reserves the right to enter into special agreements with users setting out special terms and/or discharge limits under which they may discharge to the POTW.

g) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The town may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

h) Pretreatment of wastewater Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards (if applicable) and local discharge limits. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be acceptable to the town before construction of the facility. As built plans of such facilities shall be retained on-site, by the user, for inspection as necessary.

i) Accidental discharge/slug control plans. The enforcing authority may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years, the enforcing authority shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/control slug plan shall submit a plan that addresses, at a minimum, the following:

- i) Description of discharge practices, including non-routine batch discharges;
- ii) Description of stored chemicals;
- iii) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in section 19-152 of this chapter; and
- iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

j) Wastewater discharge permit requirements.

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- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the town. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in Sections 170 through 172 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- (b) The enforcing authority may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this chapter.
- 5) *Wastewater discharge permit application:* All significant industrial users and others required to do so by the enforcing authority, must apply for a Tiverton wastewater discharge permit by submitting the application *to the superintendent*. *Such application* for a sewer *discharge permit shall document that the user meets the* requirements set forth in 314 CMR 7.00.
- 6) *Wastewater discharge permit duration:* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period of less than five years, at the discretion of the town. Each wastewater discharge permit *shall indicate a specific date upon which it will expire.*
- 7) *Wastewater discharge permit transfer:* Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 90 days advance notice to the town and the town approves the wastewater discharge permit transfer. The notice to the town must include a written certification by the new owner and/or operator which:
- States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - Identifies the specific date on which the transfer is to occur; and
 - Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

- 8) *Wastewater discharge permit revocation:* Wastewater discharge permits may be revoked for, but not limited to, the following reasons:
- Failure to notify the town of significant changes to the wastewater prior to the changed discharge;
 - Failure to provide prior notification to the town of changed condition pursuant to this chapter;
 - Misrepresentation or failure to fully disclose all relevant facts in the

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wastewater discharge permit application;

- (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the town timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of a permitted facility; or
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
 - (n) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
- 9) *Report of changed conditions.* Each user must notify the enforcing authority of any planned significant changes to the users operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.
- 10) *Analytical requirements.* All pollutant analyses, including sampling techniques to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. Except where the town has approved a certified QA/QC program, all analyses must be performed by a state DEP certified lab.
- 11) *Sample collection.*
- a) Except as indicated in subsection (b) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the town may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - b) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

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- 12) *Record keeping.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

All recorded charts shall include the date and time of the recording and the name of the person responsible for monitoring the recorder.

These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the city.

- 13) *Compliance monitoring; inspection and sampling.* The enforcing authority shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the town ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the enforcing authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
- b) The enforcing authority shall have the right to set up on the users property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations
- c) The enforcing authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as required to ensure their accuracy.
- d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the enforcing authority and shall not be replaced. The costs of clearing such access shall be born by the user.
- e) Unreasonable delays in allowing the enforcing authority access to the user's premises shall be a violation of this chapter.

- 14) *Self-monitoring/reporting* Any user of the town POTW shall perform, if deemed necessary by the enforcing authority, effluent analytical tests. The effluent analysis

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and frequency thereof, shall be performed on those parameters judged necessary by the enforcing authority. A self-monitoring report shall be compiled, by the user, that contains the results of the aforementioned analysis, volume of the wastewater discharged during the reporting period and a narrative describing the current status of the user's wastewater operations. The self-monitoring report shall be submitted to and using the protocol established by the enforcing authority.

- 15) *Administrative enforcement remedies.* Punitive and enforcement actions resulting from a sewer user's noncompliance with any section of this chapter may be implemented by the enforcing authority in accordance with the town Wastewater Management Commission enforcement response plan guidance document.
- 16) *Penalty general.* Any person found to be violating any provision of this chapter shall be served by the town written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 17) *Failure to correct violations.* Any person who shall continue any violation beyond the time limit provided for herein shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. The town municipal court shall have jurisdiction over violations of this chapter.

(Ord. of 2-14-00)

Sec. 18-5.5 Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be provided at restaurants and all other public eating places. Where grease and oil interceptors are required to be installed, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

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Sec. 18-5.6 New discharges and changes in discharges.

Any person proposing a new discharge into the system, or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the superintendent at least 45 days prior to the proposed change or connection. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, wastewater treatment works or treatment processes.

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Sec. 18-5.7 Metals discharge limits.

No person shall discharge wastewater containing metals in excess of the following levels:

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Constituent	Milligrams per liter
Cadmium	0.30
Total chromium	2.24
Copper	0.54
Lead	4.0
Mercury	0.01
Nickel	1.43
Silver	0.1
Zinc	2.2

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Boron - 1.0

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Sec. 18-5.8 Town-industry agreements.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, provided that said agreements do not contravene any requirements of existing federal laws and are compatible with any user charge and industrial cost recovery system in effect.

ARTICLE VI. SEWER BETTERMENT ASSESSMENT CHARGES**Sec. 18-6.1 Findings.**

- Chapter 9 of the Public Laws of Rhode Island, of 1979 **as amended**, authorizes the town council to assess a portion of the initial cost of the construction, completion and extension of Tiverton's sewer system by means of a sewer betterment assessment.
- Improved real estate, which has direct access to the sewer system, will receive a particular and special benefit upon the completion of the sewer project. The minimum amount of such benefit is hereby determined to be announced for each single-family dwelling so benefited. Real estate which is improved with multifamily dwellings, commercial establishments, industry and nonprofit churches and schools will derive increased particular and special benefits corresponding to increased occupancy capacity of the structures utilized for such purposes, and may be charged a higher sum, per section 18-6.4.
- Unimproved lots that front a street with a sewer and are buildable will be assessed the regular amount per home site. The property owner may declare multiple lots to be one home site. However, if the original "home site" is subsequently divided, assessment

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charges will be imposed in accordance with the intent of section 18-6.3(2). The charge shall then be assessed for each subsequently divided lot, as if due from date of the first assessment herein authorized.

- 4) *If in the judgement of the Town Council, an area requires sewers, the Town Council may assess a sewer betterment upon all lots with direct access to the aforementioned sewers, which will derive a benefit by the construction of the sewers. The sewer betterment assessment may pay any or all costs associated with the construction of the sewers including but not limited to legal fees, bonding, engineering, and construction.*
- 5) *A group or association of homeowners within an area or neighborhood of the town may petition the Town to construct sewers within their area or neighborhood. A majority of property owners (greater than 50 percent) must sign the petition within an area or neighborhood before the Town will act on the petition. The Town shall assess a sewer betterment sufficient to pay all costs of said construction resulting from the petition, including but not limited to legal fees, bonding, engineering, and construction shall be borne by the all lots located within the area or neighborhood which will derive a benefit by the construction of the sewers.*

Sec. 18-6.2. Sewer betterment assessment and construction costs.

- 1) The town council hereby levies a sewer assessment with respect to each sewer assessment structure or home site in the Town of Tiverton. Such assessment shall take effect upon the completion of the requirements of section 18-6.5 hereof.
- 2) The amount of such sewer assessment with respect to each sewer assessment structure or home site shall be the total amount derived from the following list with respect to each separate sewer assessment structure or home site. Listed item costs and fees are established by resolution of the town council and are available in the offices of the town clerk or the wastewater management commission.
 - a) Residence structure.
 - b) Multifamily residence structure containing two residential units.
 - c) Multifamily residence structure containing more than two residential units.
 - d) Commercial structure (up to 10,000 square feet).
 - e) Commercial structure (for each additional 10,000 square feet or major fraction thereof).
 - f) Industrial structure (up to 10,000 square feet).
 - g) Industrial structure (for each additional 10,000 square feet or major fraction thereof).
 - h) Church or school structure (up to 5,000 square feet).
 - i) Church or school structure (for each additional 5,000 square feet or major fraction thereof).
 - j) Multi-use structure: The amount charged shall be the sum of the charges for the components, per above paragraphs.

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k) Vacant lots,

- 3) Abutting lands to sewer lines that are constructed at the expense of a developer or individual landowner *without any contributing town costs* are not assessed any construction charge.

(Ord. of 1-25-99; Ord. of 6-26-00)

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Sec. 18-6.3. Sewer betterment assessment roll.

- 1) At such time as the authorized agent shall by resolution authorize the sewer assessment, the tax assessor shall certify to the town clerk a sewer assessment roll of all sewer assessment structures within such area. The board of assessors, employing a method similar to that provided by the provisions of title 44, chapter 5, General Laws of 1956 used to assess real and personal property tax shall, on the 31st day of December, at 12 o'clock midnight, add the properties joining the sewer system in the year prior to the December 31st assessment date, and upon completion of said assessment, date, certify and sign the same and deliver to and deposit with the town clerk's office, on or before the 15th day of June of the year following.

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- 2) Such sewer assessment roll shall, with respect to each sewer assessment structure or home site lot thereon, name the owner of the estate so assessed, the lot and plat number, the category of sewer assessment structure or structures thereon, and the amount of the sewer assessment thereon.

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- 3) The town clerk, upon receipt of said assessment, shall forthwith make a copy of the same and deliver it to the town treasurer, who shall forthwith issue and affix to said copy, a warrant under his hand directed to the collector of taxes of said town, commanding said tax collector to proceed to collect said assessments of the persons and estates liable therefore. Said assessment, when paid in one installment shall be due and payable on the first day of August of the year following. Payments not made in one installment may be made quarterly over a 20 year period. These payments shall be due on the first day of July and October of the first half and the first day of January and April in the second half of each fiscal year following. Quarterly payments shall be assessed interest on the unpaid balance, at a rate per annum to be ordered by town council resolution.

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- 4) The tax assessor's office will prepare the assessment roll for each new addition to the sewer system that is constructed by the town, or for subdivisions of any estate.

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- 5) Structures housing private sewer lines connected to the City of Fall River sewer system and the owner(s) of which are paying customers of record of the said Fall River system, and who or which have paid assessments, if any, sewer user fees and the like to the said City of Fall River for the privilege of being tied to the said Fall River sewer system, then such owner(s) and their respective property shall be exempt from the payment of the sewer assessment imposed by reason of this section of this ordinance, but in order for an owner to be eligible for an exemption from payment, documentary proof shall be provided to the sewer commission that any or some of the above charges and the like have been paid to the City of Fall River sewer system.

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a) Any structure or property having, or being served by an ISDS, which ISDS has been constructed, installed or reconstructed within five years of the time when a public sewer line is installed in the street, either fronting the property, the sides, or the rear thereof shall, nevertheless, be subject to a sewer assessment, but, *upon application to the Wastewater Management Commission by an owner fitting within the definition hereof, timely made*, shall, *be allowed to defer such* payment of the same, for a reasonable period of time, not to exceed *five* years, from the *date that the* construction and installation of *the ISDS was completed*. If a connection is made to the public sewer system, *within the aforementioned time period*, at which time of connection, the applicable assessment shall be due and payable, pursuant to the terms of this ordinance. Such structure or property *may also be allowed to defer connection to the sewer system for a period not to exceed five years from the date of completion of the ISDS system*. This provision recognizes the right of *property* owner(s) to *defer* as set forth above, from the payment of the sewer assessment, *and connection to the sewer* in those instances, where substantial costs and expenses have been incurred by such owner(s) with respect to an ISDS. *Notwithstanding the above, the Town Council may modify the above requirements depending upon grant funding requirements.*

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6) All assessments so collected pursuant to the terms of this ordinance, shall be deposited in a special account, to be in the custody of the treasurer of the Town of Tiverton, the sole purpose of which account, *shall* be for the expenditure of funds therefrom for the maintenance, engineering, replacement, expansion and construction of the Tiverton sewer system, and shall not become a part of the general fund of the Town of Tiverton.

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7) An annual administrative charge *to be set by the Town Council with recommendation by the Wastewater Management Commission* shall be imposed against all property served by public sewer systems and private sewer systems with respect to which the Tiverton Wastewater Management Commission has jurisdiction. *The* billing for the first period of the annual billing cycle, sent to each owner(s) responsible for payment, shall contain the annual administrative charge.

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(Ord. of 1-25-99; Ord. of 2-14-00; Ord. of 6-26-00)

Sec. 18-6.4. Recording of sewer betterment assessment roll.

Upon receipt of such sewer assessment roll from the tax assessor, the town clerk shall endorse the date of delivery thereof and record the same as a public record.

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Sec. 18-6.5. Collection of and lien for sewer betterment assessment.

1) From the date of delivery to the town clerk of the sewer assessment roll, the amount of such assessment, including any interest that may accrue thereon, shall constitute a debt payable to the town by the owner or owners of the sewer assessment structure, or home site so assessed and a lien upon each sewer assessment structure or home site so assessed on a parity with the lien for town taxes until paid in full. Such lien shall not be subject to termination under Section 44-9-1 of the General Laws as amended.

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- 2) The tax collector shall have the same power to collect such assessments and interest from the owner or owners of the estates.

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Sec. 18-6.6. Notice of sewer betterment assessment.

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Prior to or forthwith after delivery to the town clerk of a copy of such sewer assessment roll, the tax collector shall cause notice to be sent to owner or owners of each sewer assessment structure or home site to which a sewer assessment has been made. Such notice shall be sent as prescribed by Section 12 of the enabling act.

Sec. 18-6.7. Payment of sewer betterment assessment.

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- 1) Each sewer assessment hereunder shall be payable in equal annual installments over a period of twenty (20) years with interest charged at an interest rate to be set, from time to time, by the town council.

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- 2) The whole sewer assessment against any owner or estate may be prepaid without interest any time prior to the due date to the first installment thereof.

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- 3) If any such sewer assessment which is not so prepaid is paid in full before the expiration of twenty (20) years, there shall be an equitable adjustment of the interest charged so that interest will be paid only on the unpaid balance of such assessment for the period up to such payment in full.

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- 4) Any owner of an estate who shall become delinquent in payment of his assessment shall be charged at a rate equal to the rate for delinquent real estate taxes, as that may be established by the town council from time to time.

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- 5) Any person aggrieved by any such assessment may within thirty (30) days after the mailing or publication of notice to him file a petition for relief to the wastewater management commission. If the board finds such assessment invalid in whole or in part, it shall give judgment reducing the amount thereof or for a refund accordingly. The filing of such a petition shall not relieve the estate involved from the lien hereinabove provided for or prevent the assessment becoming due as provided in this section but the final judgment of the board reducing such assessment in whole or in part shall produce such lien and the amount due accordingly.

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Sec. 18-6.8. Appeals—Rules of procedure.

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The following procedures shall be followed by landowners of record filing appeals from sewer assessments:

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- 1) All appeals to the Wastewater Management Commission shall be on petitions provided by such board. Blank petitions will be available from the board, the tax collector or the town clerk.
- 2) All questions on such petitions shall be answered completely and truthfully.
- 3) A separate petition shall be filed for each review requested.

- 4) The landowner of record must file all petitions or, if this is not possible, such owner's mark or the signature of such owner's legal representative must appear and such representative's title must be affixed thereto.
- 5) The petitioner(s) and the town council shall be notified of the time and place of the hearing.
- 6) The landowner of record, or such owner's representative must appear at such meeting. If persons other than the landowner of record are to testify, a written authorization filed by the landowner of record must be presented to, and recorded by, the board.
- 7) Failure on the part of any petitioner or legal representative thereof to appear at the time and place designated by the board for such petitioner's petition to be heard without prior notification, will be recorded as a default by nonappearance.
 - a) Any petition so recorded as a default will not be reheard for a period of one fiscal year. No petition may be resubmitted for any year for which a prior petition was recorded as a default due to the nonappearance of the petitioner or his legal representative.
 - b) There shall be no rehearing of any petition filed in one fiscal year unless the petitioner can present new or different evidence which could not have been presented to such board at the time of the original hearing or unless in the unanimous opinion of the board unusual circumstances warrant a rehearing.
- 8) The procedure for rehearings shall be as follows:
 - a) A new petition must be filed with an accompanying list or brief of explanation.
 - b) The Wastewater Management Commission at its regular meeting, and after the filing of a petition for rehearing, will decide on the merits for a rehearing, and the petitioner will be notified in writing of the findings and recommendations of such board.
- 9) The proceedings of the board shall be recorded and kept in a minute book provided by such board and be in care, custody, and control of the secretary and available for public inspection.
- 10) All decisions of the Wastewater Management Commission shall be made by a majority vote of a quorum of such board. A majority of the members of the board shall constitute a quorum. The board may, in its sole discretion, adjourn any hearing without submitting an appeal for a vote.
- 11) Petitioners will be notified in writing of the findings, recommendations, and decisions of the board, which pertain to such petitioners' appeal.
- 12) *Petitioners in the hearing of a petition may present attorneys, expert witnesses, and any other persons to the board.*

(Ord. of 2-14-00)

Sec. 18-6.9. Judicial appeal.

The taking of an appeal to the Wastewater Management Commission or any action thereon, shall

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not be construed to limit or restrict the right of any land owner of record to apply to a court of competent jurisdiction in accordance with any law now or hereafter in effect for relief from any assessed valuation,

Any land owner aggrieved by an adjusted assessment may within 90 days after the mailing or publication of notice of such assessment file a petition for relief against the town in the superior court, and said petition shall be subject to the provisions of section 44-5-29 of the General Laws. If the court finds such assessment invalid, in whole or in part, it shall give judgment reducing the amount thereof or for a refund accordingly.

The filing of such a petition shall not relieve the land owner of record from the lien against the subject property provided for in section 18-45 or prevent the assessment from becoming due as provided in this chapter, but the final judgment of the court reducing such assessment in whole or in part shall reduce such lien and the amount due accordingly. The remedy provided in this paragraph shall be exclusive and no action or proceeding questioning the validity of any adjusted assessment shall be begun after the expiration of said 90-day period. (Ord. of 2-14-00)

Sec. 18-6.10. Connections.

Connections shall be made within one year of when the lateral in front of the structure is completed and available for use, as determined by the town, per public notice. Connections from the structure to lateral will be made at owner s expense.

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ARTICLE VII. SEWER USE CHARGES

Sec. 18-7.1. Findings.

- 1) The authorizing agent shall prescribe annually just and equitable charges to be charged all users of the sewage system, based upon the budget established for operation of the wastewater management commission. This charge will be sufficient to cover all sewer use-charges estimated for the ensuing fiscal year,
- 2) Charges for residential users of the sewage system will be computed on a residential unit charge. All other users will be charged on the basis of water consumption; except that the residential unit charge shall be the minimum charge to any user. The basis for these charges and rates is given in appendix B.
- 3) Sewer use charges for connected facilities will commence at the time a sewer connection permit is issued by the authorized department in accordance with this chapter. For new construction the charges will commence when the certificate of occupancy is issued.

(Ord. of 2-14-00)

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Sec. 18-7.2. Rate schedule.

- 1) Attached as appendix C is the rate schedule for sewer use charges based on the foregoing assessment policy. This rate schedule will be reviewed annually and submitted to the

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town council prior to July 1 each year.

- 2) Based on this rate schedule the Wastewater Management Commission will prepare the sewer service roll, a copy of which will be filed with the town clerk.

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Sec. 18-7.3. Collection of sewer use charges.

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Annual sewer use charge bills will be prepared and mailed at the same time as real estate tax bills are mailed.

Sewer use charges shall be a lien on real property and shall be imposed, assessed and collected in the same manner as a betterment assessment.

Sec. 18-7.4. Appeals.

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Appeals for water line breaks or unusual usage shall be heard by the Wastewater Management Commission.

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ARTICLE VIII. MONITORING, SAMPLING AND ANALYSES

Sec. 18-8.1. Inspection powers.

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- 1) Inspections. Inspections shall be conducted at the discretion of the town. The town or the duly authorized employees and agents of the town, upon presenting identification and appropriate credentials is authorized:

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- a) To enter without delay and at reasonable times those premises (public or private) of any person or class of user either receiving services from the town or applying for services from the town in which a discharge source or treatment system is located.

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- b) During regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, to have access to and to copy any records, inspect any monitoring equipment and sample any effluents which the owner or operator of such discharge source is required to sample, and any rules and regulations adopted pursuant thereto; and

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- c) During such on-site inspections, to carry out all inspections, surveillance, and monitoring procedures necessary to determine, independent of information supplied by any person discharging into the facilities, compliance or noncompliance with town pretreatment requirements.

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- 2) User documentation. The town may, by regulation, order, permit, or otherwise, require any person who discharges into the facilities to:

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- a) Establish and maintain records;

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- b) Make reports;

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- c) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate, biological monitoring methods);
- d) Sample discharges and amounts (in accordance with the methods, at the locations, at the intervals, and in the manner as the town shall prescribe); and
- e) Provide other information relating to discharges into the facilities as the town may reasonably require ensuring compliance with prescribed pretreatment.

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3) Public access to information.

- a) Any permit or permit application, or effluent data shall be available to the public for inspection and *copying unless a user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. The procedures will be in accordance with 40CFR (403.14)*
- b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes as detailed above, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to the article, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit or the pretreatment programs provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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- 4) Enforcement of inspection powers. Any person obstructing, hindering, or in any way causing the obstruction or hindrance of the town or any of its employees or agents in the performance of their duties or who shall refuse to permit said town or any of its employees or agents entrance into said premises, buildings, plant or equipment, or other places belonging to or controlled by any such person, in the performance of his duties as such, shall be subject to civil and/or criminal penalties.

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Sec. 18-~~8~~.2. Industrial discharge permit system.

- 1) Wastewater discharge permits required. All industrial and commercial users connected to or discharging to the wastewater facilities must obtain a wastewater discharge permit. All industrial and commercial users proposing to connect to or discharge into any part of the wastewater facilities must obtain a wastewater discharge permit before connecting to or discharging to the facilities, All industrial and commercial users other than those excepted in these regulations must be connected to the facilities.

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2) Industrial wastewater permit.

- a) Application. Industrial users seeking a wastewater discharge permit must have completed and filed with the town an application on a form supplied by the town, together with any applicable fee. In support of this application, the user shall submit the following information:

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- 1. Name business address, location of the facility (if different from business address

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, and standard industrial classification (SIC) number of the applicant.

2. Total water consumption from all sources and supporting documentation when appropriate.
3. Type, frequency, and volume of discharges.
4. Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
5. Site plans, floor plans, mechanical and plumbing plans, pretreatment plans and details to show all building connections and appurtenances by size, location and elevation.
6. Description of activities, pretreatment facilities and plant processes on the premises including all materials and types of material that are or could be discharged.
7. Type of product produced.
8. Number of employees, number of shifts, and hours of work.
9. The name and concentration of any pollutants in the discharge, for a minimum of four consecutive operating days, which are regulated by the town, the state, or the federal government; and a written statement as to whether or not applicable pretreatment standards are being met, and if not, whether additional in-plant modification and additional pretreatment is required for the user to meet such applicable pretreatment standards.
10. If additional pretreatment or in-plant modification will be required to meet the pretreatment standards, the user will provide a schedule by which to achieve the standards in the shortest possible time. This schedule shall be reported as the pretreatment compliance schedule. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction.
 - b. Not later than 14 days following each completion date in the schedule, the user shall submit a progress report to the town including at a minimum, whether or not the user has complied with the increments of progress. If such increment of progress was not completed on time, the user shall also report the date expected to complete the increment of progress, the reason for the delay, and the steps being taken by the user to return to the schedule established, In no event shall completion dates for increments of progress be more than nine months apart.
 - c. The compliance schedule shall not be a waiver of the user's noncompliance nor

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shall it protect the user from enforcement actions.

11. Any other pertinent information as may be needed to evaluate the permit application.

- 3) Application evaluation. The superintendent shall evaluate the data furnished by the industrial user and may require additional information. Based on the application, the superintendent may issue a wastewater discharge permit subject to the terms and conditions enumerated in the permit.

The superintendent may deny a request for a permit when the information supplied indicates the industrial user will be unable to reasonably meet town, state, or federal standards. Any person denied a permit may request a hearing.

- 4) Permit fee schedule. The superintendent shall assess a wastewater discharge-application permit fee to all industrial and commercial users connected to or discharging to the wastewater facilities based on the following schedule:

Categorical user, 500,000 gallons or more per year flow

Categorical user, less than 500,000 gallons per year flow

Users, with a SIC, less than 250,000 gallons per year flow

Users with a SIC, between 250,000 and 500,000 gallons per year flow

Users, with a SIC, more than 500,000 gallons per year flow

Users, without a SIC, more than 250,000 gallons per year flow

Users, without a SIC, less than 250,000 gallons per year

Restaurants seating capacity less than 50

Restaurants seating capacity between 50-100

Restaurants seating capacity over 100

Medical, health care facilities 500,000 or more gallons per year flow

Medical, health care -facilities less than 500,000 gallons per year flow

Private medical offices, marinas, yacht clubs

Service gasoline stations

Bakeries

*Note: See Appendix C for permit Fee Schedule.

- 5) Technical reports and plant records. All industrial and commercial users shall maintain technical reports and plant records relating to wastewater discharges for a period of not less than five (5) years. They shall at a minimum contain the following:

a) As a minimum, the daily average and daily maximum discharge rates, and other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge shall be recorded daily.

b) Commercial users shall keep records of grease trap maintenance including dates,

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carrier and disposal site for grease removal and disposal.

- c) *Compliance schedules detailing the steps to be used to bring that facility back into full compliance.* John Lincourt 6/2/05 11:22 AM
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- d) *Requirements for installation of pretreatment systems and spill prevention control plans;* John Lincourt 4/28/05 10:13 AM
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- e) *Provisions for authorized town employees and agents to enter and inspect the premises including provisions for copying records, inspecting monitoring equipment and sampling effluent;* John Lincourt 4/28/05 10:13 AM
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- f) *Documentation of compliance with federal, state and other governmental laws, rules and regulations;* John Lincourt 4/28/05 10:13 AM
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- 6) *Fees and costs including supplemental fees assessed because of the special nature of the user's effluent and additional costs and fees including reasonable fees based on the costs of enforcing these regulations or the permit.* John Lincourt 6/17/05 9:12 AM
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 - a) *The amount of such fees assessed, including any interest that may accrue thereon,* shall constitute a debt payable to the town by the owner or owners of the sewer business, so assessed and a lien upon each real property owned by the business so assessed on a parity with the lien for town taxes until paid in full. Such lien shall not be subject to termination under Section 44-9-1 of the General Laws as amended.* John Lincourt 6/28/05 10:59 AM
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 - b) *The tax collector shall have the same power to collect such assessments and interest from the owner or owners of the estates.* John Lincourt 6/29/05 3:38 PM
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- 7) *Pretreatment.* Users shall provide treatment of wastewater as required to comply with this section and shall achieve compliance with all federal, state, Fall River and town pretreatment standards within the time limitations specified by the federal, state, Fall River and town pretreatment regulations. Any equipment required to pretreat wastewater to a level acceptable to the town and Fall River shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment equipment and operating procedures shall be submitted to the *superintendent* for review and shall be acceptable to the town before construction of the facilities. Any review and inspection conducted by the town is for the sole purpose of determining compliance with the technical provisions of these regulations. The town does not assume responsibility for means, methods or techniques used or for the safety of construction work, the site, or for compliance by users with applicable laws and regulations. Review by the town does not constitute any form of guarantee or insurance with respect to the performance town does not assume responsibility for means, methods or techniques used, or for the safety of construction work, the site, or for compliance by users with applicable laws and regulations. Review by the town does not constitute any form of guarantee or insurance with respect to the performance of the equipment and processes. All existing users shall also complete such a plan as required by a compliance schedule or permit. No new user proposing to discharge into the facilities shall be permitted to introduce pollutants into the facilities until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the John Lincourt 4/28/05 10:14 AM
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industrial user from the responsibility of modifying the user's equipment as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the town of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

8) Reserved.

- 9) Written notice of accidental spills. Within five days following an accidental discharge into the facilities, the user shall submit a detailed written report describing the nature and cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred by the town as a result of damage to the wastewater facilities, nor shall notification relieve the user of liability for any other damage to persons or property arising out of such accidental discharge. Notification will not exempt the user from any fines, or any other liability which may be imposed by this chapter or other applicable law.

- 10) Compliance required. No permit holder shall discharge industrial or commercial wastewater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit. Any person desiring to modify his or her discharge in a manner that would violate conditions of this permit must first apply for an amended permit.

- 11) Moving or closing businesses. Any industrial or commercial user who will be closing his or her business or moving a business from its present location must notify the town in writing 30 days before disposing of any process waste associated with the move or the cessation of business. Failure to notify the town prior to discharging such waste into the facilities may subject the user to civil or criminal penalties.

- 12) Duration of permits. Permits shall be issued for a specified time period, which shall not exceed five years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the town 30 days prior to the expiration of the permit, the permit shall automatically be extended for one three-month period.

- 13) Modification of permits. An industrial or commercial user may apply for modification of a discharge permit by filing a new application form showing substantial, significant and material changes that have been proposed since filing the original application. No application for modification will be considered unless it demonstrates such changes.

- a) After review of the application and inspection of the facility, the superintendent may in his sole discretion modify the original permit. If such application is rejected, the existing permit shall remain in full force and effect.)

- b) The terms and conditions of the permit may be subject to modification and changed by the superintendent during the life of the permit. The superintendent may in his sole discretion place further restrictions, limitations and conditions in a permit to carry out the provisions. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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14) Transfer of permits not allowed. Industrial and Commercial Wastewater discharge permits are issued to a specific user for a specific operation. No wastewater discharge permit may be reassigned, transferred or sold to a new owner, new user, different premises, or a new or unchanged operation. All new users shall apply for and obtain a permit on the forms provided by the Wastewater Management Commission prior to discharge of wastewater.

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15) Revocation of permit. Any industrial or commercial user who violates the permit conditions, this chapter, or applicable state and federal regulations, is subject to having the permit revoked. Violations subjecting an industrial or commercial user to permit revocation include, but are not limited to the following:

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a) Failure of an industrial or commercial user to accurately report the wastewater constituents and characteristics of his or her discharge;

b) Failure of an industrial or commercial user to report significant changes in operations, wastewater flows, or wastewater constituents;

c) Refusing the town access to the industrial or commercial user's premises for the purposes of inspection or monitoring; or

d) Violations of conditions of the permit.

Revocation of an industrial or commercial user's discharge permit shall be in accordance with notice and hearing provisions. However, notwithstanding any other provisions of this subsection, the superintendent may in his sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the health or welfare of persons.

16) Reinstatement of permit. Before any further discharge of industrial or commercial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the superintendent may require, and pay any delinquent fees and all fines, charges, and other costs occasioned by the violation. Costs shall include, but not be limited to: Inspection, monitoring, sampling and related expenses; restitution to other affected parties; reasonable attorney's fees incurred by the town in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual damages incurred due to the violation. Any such fines, fees, charges and costs shall be paid for by the user before any new permit will be issued. When all costs cannot be readily determined, the town may require and accept a bond or irrevocable letter of credit which it considers sufficient and which will be subject to appropriate adjustment after all costs have been determined.

Sec. 18-8.3. Industrial wastewater monitoring and reporting.

1) Records and monitoring.

a) All industrial users who discharge or propose to discharge wastewater directly or indirectly to the facilities shall maintain: Records which substantiate any information supplied in permit applications; self-monitoring compliance reports; determinations shall be done through industry self-monitoring and through monitoring done by the

town.

1. Self-monitoring results must be accompanied by a certified laboratory analysis sheet. The industrial user must also submit a self-monitoring report with the results on a form prescribed by the town. Prior to sampling, the town shall indicate the type of samples, frequency of sampling and the pollutants to be measured.

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2. Compliance monitoring by the town shall be done at the discretion of the town. Compliance determinations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined by the town. Prior to sampling at each location, town personnel will offer one-half of the sample to the industrial user for independent analysis. Where sampling protocol prevents splitting samples, a replicate sample will be offered.

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2) Sampling and analysis of industrial and commercial wastewaters. Laboratory analysis of industrial wastewater samples for industry self-monitoring and compliance monitoring by the town shall be performed in accordance with EPA approved methods. Where applicable, the laboratory must be certified by the state in which it is located.

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Sec. 18-8.4. Enforcement and penalties.

a) Criminal violations. In cases where the superintendent determines a violation may have been committed willfully or with criminal negligence, he may inform the Police Department or Town Council for appropriate action.

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b) Notice of deficiency. Any person violating this chapter may be sent a "notice of deficiency" by the superintendent. The notice shall list the violations, and shall require that the violations be corrected within a reasonable time. Failure to correct such violations within the time allowed will result in the issuance of a "notice of violation" by the superintendent.

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c) Notice of violation. Any person violating the provisions of this chapter may be served by the superintendent with a written notice of violation stating the nature of such violation. The violator shall immediately and permanently cease all violations. Nothing herein shall require issuance of a notice of deficiency prior to issuance of a notice of violation. No prior notices shall be required for the town to initiate civil proceedings.

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d) Commencement of violations. Notwithstanding any provisions for notice or hearing, liability for violations shall be deemed to commence as of the date such violation was discovered by the town or may otherwise be proven.

e) Request for reconsideration of actions. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the superintendent, interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the superintendent a written request for reconsideration within ten days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

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f) *Orders by the superintendent* After the superintendent has reviewed the evidence, he may issue an order to the violator to cease and desist committing such violations; assess fines; to remedy such violations; and to revoke the violator's discharge permit and condition future permits upon payment of the costs of implementing and enforcing the terms of such permit, including attorneys' fees and administrative costs. The decision may include a finding as to the number of days during which the violation occurred and appropriate penalties. Every day in which a violation occurred shall be deemed a separate offense.

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g) *Appeals.* If the ruling made by the superintendent is unsatisfactory to the person requesting reconsideration he may within ten days after notification of the action, file a written appeal to the wastewater management commission. The written appeal shall be heard by the Wastewater Management Commission within 30 days from the date of filing. The Wastewater Management Commission shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The superintendent's decision, action or determination shall remain in effect during such period or reconsideration.

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h) *Criminal penalties.* Any person who shall be found guilty of violating, willfully or with criminal negligence, any permit, rule or regulation, or order of the town shall be punished by a fine and imprisonment. Every person shall be deemed guilty of a separate and distinct offense for each day during which such violation shall be repeated or continued. No notice of deficiency or violation is required when criminal proceedings are initiated by the superintendent.

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i) *Fines and civil penalties.*

(1) Any user who is found to have violated an order of the town council or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined by the superintendent, not less than \$100.00 nor more than \$500.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorneys fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permit issued hereunder.

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(2) Any user aggrieved for a fine or penalty imposed by the superintendent may, within 30 days of such imposition of fine or penalty, appeal same to the Tiverton Municipal Court.

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j) *Termination of service under emergency conditions.* Notwithstanding any other provisions, the superintendent may, after informal notice to the discharger as described below, immediately and effectively halt or prevent any discharge of pollutants into the facilities of the project which reasonably appears to present an imminent endangerment to the health or welfare of persons.

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Upon determination by the superintendent that a discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, he may issue an immediate compliance order. Informal notice shall consist of a telephone call to the

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discharging facility's owner or any agent or officer of a corporation. Such compliance order shall become effective notwithstanding inability to contact the foregoing persons. A registered letter, return receipt requested, which states the existence of the violation and the action deemed necessary will be sent as soon as practicable. No request for a hearing prior to issuance of the compliance order may be made.

Any such immediate compliance order issued under this section without notice and prior hearing shall be effective for no longer than 45 days, provided however, that for good cause shown such order may be extended one additional period not exceeding 45 days.

- k) Termination of service under non-emergency conditions. Notwithstanding any other provisions, the superintendent may, in accordance with the notice and procedures described below, halt or prevent any discharge into the facilities which present or may present endangerment to the environment or which threatens to interfere with the operation of the facilities.

Such notice shall provide for a time within which said alleged violation shall be remedied, and shall inform the person to whom it is directed that a written request for a hearing on said alleged violation may be filed with the superintendent within ten days after service of the notice. Notice will be deemed properly served upon a person if a copy thereof is served upon him or her personally, or sent by registered mail, return receipt requested, or such person is served with notice by any other method of service now or hereafter authorized in a civil action under the laws of this state. If a person upon whom a notice of violation has been served under the provisions of this section or if a person aggrieved by any such notice of violation requests a hearing before the superintendent within ten days of the service of notice of violation, the superintendent shall set a time and place for said hearing, and shall give the person requesting such a hearing at least five days' written notice thereof. After such hearing, the superintendent may make findings of fact and law and shall sustain, modify or withdraw the notice of violation. If the superintendent sustains or modifies the notice, such decision shall be deemed a compliance order and shall be served upon the person responsible in any manner provided for the service of the notice in this section.

Such compliance order shall state a time within which said violation shall be remedied. Nothing herein shall prohibit the superintendent from requiring immediate compliance.

Whenever a compliance order has become effective, whether automatically or not, where no hearing has been requested, or where an immediate compliance order has been issued, or upon decision following hearing, the town may institute injunctive proceedings in the superior court for enforcement of such compliance order and for appropriate temporary relief. In such proceeding the correctness of a compliance order shall be presumed and the person attacking such order shall bear the burden of proving error in such compliance order; except that the superintendent shall bear the burden of proving in such proceedings the correctness of an immediate compliance order. The remedy provided for in this section shall be in addition to other remedies provided by law.

- l) *Denial of access.* Notwithstanding the provisions above, if the Town or its duly authorized employees and agents, upon presenting identification and appropriate credentials, are denied access to carry out inspection, surveillance, and monitoring

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procedures, the Town may institute civil proceedings, including proceedings for necessary injunctive relief, or criminal proceedings.

- m) *Inspection of connections.* If any person shall construct, install, alter or repair any sewer or connect to any sewer in violation of the requirements of this chapter, the town may, in its discretion, order or direct such person to uncover and fully expose any or all portions of such sewer or connection and afford the town and its representatives adequate opportunity for examination and inspection of the work. If the connection and appurtenances there to shall be found not to be in full accord with the requirements and the standards established under its provisions, then the town may serve the offender with a written notice.

(Ord. of 2-14-00)

Sec. 18-8.5. Notice of violators.

The town shall publish annually, in a local newspaper, a list of *industrial and commercial* users who were significantly violating the applicable pretreatment requirements during the previous twelve (12) months.

A significant violation shall be one which:

- 1) *Remains uncorrected forty-five (45) days after a notice*
- 2) *Is part of a pattern of noncompliance.*
- 3) *Which involves a failure to accurately report noncompliance; or*
- 4) *Results in the town exercising its emergency authority.*

Sec. 18-8.6. Interpretation of requirements.

- 1) *Construction.* The provisions of this chapter with respects to the meaning of technical terms and phrases, the restriction as to what wastes may be discharged into interceptors, the regulations with respect to making connections to interceptors and other technical matters shall be interpreted and administered by the *superintendent.*
- 2) *Captions.* Captions and headings are for reference only and shall not limit or otherwise affect the meaning of the sections or subsections thereunder.
- 3) *Severability.* If any provision of this chapter or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. The invalidity of any section or sections shall not affect the validity of the remainder of this chapter.

Sec. 18-8.7. Sewer user fees.

- 1) *Nonresidential sewer user fees.* All other structures shall be assessed a sewer user fee based upon the volume of water purchased for the structure. Where a user is not served by public water supply, the town shall establish an appropriate schedule for billing. The sewer user fee shall be based upon a rate per hundred cubic feet of water.

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Where a property uses water from a source other than a public water supply system, the property shall be assessed a sewer user fee based upon the actual quantity of wastewater discharged directly or indirectly into the town's facilities. Such quantity of wastewater may be measured by either inflow water meters or a wastewater discharge meter as determined by the *superintendent*. No meter shall be installed or be used for such purpose without the approval of the *superintendent*. Said meters shall be installed and maintained at the expense of the property owner and shall be read by the town. If repairs are made by the town, bills for such repairs shall be collected in the same manner, and be subject to the same penalties, as are bills for sewer user fees.

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- 2) *Estimated discharge.* Where a property uses water from a public water supply system or a source other than a public water supply system but a portion or all of said water is consumed evaporated or otherwise not discharged directly or indirectly into town's facilities, the wastewater discharged shall either be metered at the expense of the property owner or an estimate shall be made based upon an engineering analysis approved by the *superintendent*. Where a discharge has been estimated, bills will be rendered based upon the approved analyses and estimates.

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- 3) *Meter failure.* In case a meter fails to register or has been removed for repairs, testing or other purposes during the billing period, the bill shall be issued based on the average daily rate of water consumption or sewage discharged as shown by the meter after it has been returned to service and is in proper working order.

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If the meter has not been returned to service, the bill shall be issued based on the average daily rate of water consumption or sewage discharged for the previous two-year period.

- 4) *Meter Calibration.* All private water meters used as a basis for billing of sewer charges shall be calibrated by a firm qualified to perform such work as determined by the superintendent at the expense of the owner. Calibration results shall be submitted to the Superintendent.

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- a) *Water meters that are used to measure the total amount of water used in a property or to measure the amount of water used for watering gardens or lawns as a basis for an abatement, shall be calibrated at least every five (5) years.*
- b) *Wastewater meters that are used to directly measure wastewater discharged into the sewer system shall be calibrated annually.*

APPENDIX A. STANDARD CONSTRUCTION DETAILS

| *(Reserved for insertion at a later date.)*

APPENDIX B. RATE STRUCTURE FOR OPERATION AND MAINTENANCE USE CHARGES

- 1. Introduction.** The sewer use charge system proposed for the Town of Tiverton is based upon wastewater flows, which are produced by each user of the sewer system. A single user's annual wastewater volume is equated to water consumption; therefore, all charges will be based upon estimated or actual water use. This volume of water used contributes to the total wastewater flow handled annually at the Fall River *Wastewater Treatment Plant*. The resulting percentage of total flow attributed to each user will correspond with that percentage of the towns annual sewage system O&M budget for which the user is responsible, in the form of yearly sewer use payments. All users will be charged according to actual metered water use.
- 2. Infiltration and inflow.** The costs for handling additional flows due to infiltration and inflow into the sewage collection system will be absorbed by all the accountable users *by adding the appropriate surcharge to the rate that each user pays.*
- 3. Surcharges.** A surcharge model based on concentrations of pollutants in excess of those in normal domestic sewage, but within safely treatable levels, has been developed by the EPA. Calculations of surcharges based on this model, which is shown below, will involve reliance on monitoring data of each company's wastewater, and estimates of the operating and maintenance costs for the treatment of a unit of each pollutant. Two (2) pollutants which are monitored for possible surcharges are biochemical oxygen demand (BOD) and total suspended solids (TSS), whose levels from any given industry above those levels in normal domestic wastewater (225 mg/i BOD, 225 mg/i TSS), shall result in the levying of the surcharge. Other categories of waste may also be monitored.

Each industry's surcharge will be calculated on a yearly basis. All surcharges will be subtracted from the annual Q&M costs upon which the residential unit charge is based. The surcharges shall be determined according to the following formula:

$$SURC_A = QN_A [(BOD_A - 225) (B_{BOD}) + (TSS_A - 225) (B_{TSS})]$$

Where:

QN_A	=	Annual surcharge for industry A
BOD_A	=	Average BOD levels discharged by industry A
B_{BOD}	=	O&M cost for treatment of one unit of BOD
TSS_A	=	Average TSS levels discharged by industry A
B_{TSS}	=	O&M cost for treatment of one unit of TSS

The value represented by $BODA - 225$ is the level of BOD (mg/l) discharged by the industry, which is over that level in normal domestic sewage. If the industry's BOD level is less than or

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 $I/I = TQTP - (TQR + TQC + TQN)$
 Where:
 - I/I = Total annual infiltration inflow levels
 - $TQTP$ = Total annual wastewater flow entering STP
 - TQR = Total annual wastewater flow from residential users
 - TQC = Total annual wastewater flow from commercial users
 - TQN = Total annual wastewater flow from industrial and institutional users
 All flows are measured in gallons.

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equal to the normal or average level, the value of the relationship will be zero and no surcharge will be calculated for treating BOD. The additional concentration of BOD added to the STP's normal domestic effluent is then multiplied by the industry's annual wastewater volume to get the total annual loading of BOD (milligrams converted to pounds). This above normal loading adds an additional cost to the secondary processes of the treatment plant. Therefore, the annual loading is then multiplied by the cost for removal of one unit (pound) of BOD.

Surcharges based on the concentrations of suspended solids and other categories of pollutants in wastewater discharged by industry A are calculated similarly. The surcharges for each pollutant are added together to determine the industry's total surcharge. The total surcharge is then added to the normal user charge to determine the total annual charges levied against the industry.

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APPENDIX C. RATE SCHEDULE FOR SEWER USE CHARGES

1) *Classification of users.* There shall be the following classifications of sewage system users in the Town of Tiverton. Residential, or domestic; commercial; industrial; and institutional.

- a) All residential users will be charged the same annual fee based upon the estimated average residential unit contribution to the total annual wastewater flow volume entering the treatment plant.
- b) All nonresidential users will be charged according to the estimated equivalent number of residential units they contribute to the total annual wastewater flow.
- c) Industrial users, in addition, shall be surcharged if their wastewater contributes a greater proportional loading of biochemical oxygen demand, suspended solids and/or other parameters.

2) *Payments.* Annual sewer use charges are to be paid in full by all users of the Tiverton sewage system at the same time and place that the annual town taxes are due and payable. In the event of nonpayment, there shall be a penalty.

- a) For any building or premises situated within the town discharging sanitary sewage or *industrial and commercial* wastes either directly or indirectly into the sewage system, the following rates shall apply:

i) *Annual Administrative Fee:*

(1) Residential unit: Fee \$

Single-family

Two-family

Multi-family unit (above two units) each unit

(2) *All Nonresidential units:*

These users shall include retail establishments, business offices, restaurants, clubs, manufacturing or industrial operations, libraries, schools, municipal buildings, medical establishments, and institutions whose wastewater volume is some multiple (or percentage) of the residential units wastewater volume.

Per equivalent family unit

ii) *Sewer Usage Charges (\$ per Hundred Cubic Feet of Water used)* Fee \$

(1) *Residential*

(2) *Commercial*

(3) *Institutional*

(4) *Industrial**

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**May include an additional surcharge based on BOD and TSS concentrations*

iii) Surcharges. Industrial users discharging greater than ordinary strength wastewater shall pay a surcharge based on concentrations of parameters over established levels.

iv) *Permit Fees: The following rate schedule shall apply for all new applications for sewer service.*

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<i>Description</i>	<i>Permit Fee*</i>
<i>Categorical user, 500,000 gallons or more per year flow</i>	<i>\$</i>
<i>Categorical user, less than 500,000 gallons per year flow</i>	
<i>Users, with a SIC, less than 250,000 gallons per year flow</i>	
<i>Users with a SIC, between 250,000 and 500,000 gallons per year flow</i>	
<i>Users, with a SIC, more than 500,000 gallons per year flow</i>	
<i>Users, without a SIC, more than 250,000 gallons per year flow</i>	
<i>Users, without a SIC, less than 250,000 gallons per year</i>	
<i>Restaurants seating capacity less than 50</i>	
<i>Restaurants seating capacity between 50-100</i>	
<i>Restaurants seating capacity over 100</i>	
<i>Medical, health care facilities 500,000 or more gallons per year flow*</i>	
<i>Medical, health care -facilities less than 500,000 gallons per year flow*</i>	
<i>Private medical offices, marinas, yacht clubs</i>	
<i>Office buildings</i>	
<i>Service gasoline stations</i>	
<i>Car Washes</i>	
<i>Bakeries</i>	
<i>Residential, (1 to 2 units)</i>	
<i>Residential, (over 2 units)</i>	

**Includes nursing homes and managed care facilities.*

**APPENDIX D. SEWER CONNECTION APPLICATION; WASTEWATER
DISCHARGE PERMIT; INDUSTRIAL WASTEWATER PARAMETERS TO BE
MONITORED**

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Tiverton Sewer Ordinance Step by Step
Procedure for Computing Sewer Use Charges**

<#>Introduction. This guideline is intended to serve as a reference manual for those persons who are responsible for calculating annual sewer use charges. The charges, levied against all residential, commercial and industrial users who discharge into the Tiverton sewage system, are to be calculated according to the rate structure given in Appendix B of the Tiverton sewer ordinance.

<#>The sewer use charges for different users are based on quantities of wastewater, which are produced. For a single user, the quantity of wastewater produced annually is assumed to be the same as the user's water consumption plus a factor for infiltration/inflow (explained later). This volume of water used eventually becomes part of the total wastewater flow handled annually at the Fall River sewer treatment plant (STP).

<#>Therefore, all changes will be based on either average estimated or actual metered water use. Residential users will be charged according to the average annual household water use.

<#>All nonresidential users will be charged according to actual metered water use.

<#>Basic steps for calculating the use charges.

<#>Average volume of water used by a residential unit is divided by the total annual wastewater flow entering the STP to obtain a percentage which represents the user's share of the total flow.

<#>This percentage is multiplied by a correction factor to account for the extra flow that must be treated because of infiltration and inflow.

<#>The resulting adjusted share is multiplied by the town's annual budget for operating the sewage system. This share is the user's service charge.

<#>Actual volume of water used by a commercial or industrial unit is equated to the volume used by some number of residential units. This equivalent number is multiplied by the residential user's use charges. The resulting figure will be the commercial or industrial user's service charge.

<#>Additional charges will be levied against industrial users who discharge higher than average strength wastewater into the sewage system. These charges are known as surcharges.

<#>The levels of infiltration and inflow (I/I) into the sewage system will become significantly reduced by the town's sewer improvement program. However, a certain amount will remain because it cannot be completely eliminated cost-effectively.

<#>As explained above the costs for handling the additional flows due to infiltration and inflow will be absorbed by all the accountable users (residential, commercial and industrial) based upon each user's percentage of the total wastewater flow.

<#>

<#>The following pages describe the procedures for calculating the sewer use charges. The figures which are used in the calculations represent the best approximations available for the year 1983. In some instances, the numbers are simply given for the sake of the calculations. The resulting charges, of course, are only estimated examples which will almost certainly be changed when the user charge schedule goes into effect in 1983. In addition, the charg ... [6]